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UNITED STATES U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NYK TRADING CORPORATION,  
individually and on behalf of M/V IMARI  
(IMO No. 9567776),

Plaintiffs,

-against-

O.W. BUNKER & TRADING A/S, WILJO  
N.V., TRANSCOR ENERGY S.A.,  
MARITIME BUNKERING & TRADING  
BVBA and ING BANK N.V.,

Defendants.

16-CV-674 (VEC)

**ORDER**

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 29, 2020, the parties informed the Court that they had reached a settlement in principle resolving all issues;

IT IS HEREBY ORDERED THAT all previously scheduled conferences and other deadlines are cancelled.

IT IS FURTHER ORDERED that this action will be dismissed with prejudice on **November 30, 2020**, unless before that date one or more of the parties files a letter with the Court requesting that the action not be dismissed and explaining why the action should not be dismissed in light of the parties' settlement. To be clear, any request that the action not be dismissed **must** be filed **before November 30, 2020**; any request filed on or after that date may be denied solely on that basis.


If the parties wish for the Court to retain jurisdiction to enforce their settlement agreement, not later than **November 23, 2020**, they must submit (1) their settlement agreement

to the Court in accordance with Rule 7.A of the Court's Individual Practices and (2) a request that the Court issue an order expressly retaining jurisdiction to enforce the settlement agreement. *See Hendrickson v. United States*, 791 F.3d 354 (2d Cir. 2015).

IT IS FURTHER ORDERED that upon dismissal, the Court will order the Clerk of Court to disburse the amount deposited by NYK Trading Corporation (plus interest). By no later than **Friday, November 6, 2020**, the parties must jointly inform the Court what amount is to be paid to NYK Trading Corporation for reasonable attorneys' fees and costs. The remaining amount will be paid to Defendant ING Bank N.V. In the same joint letter, the parties must inform the Court to whom the checks should be made payable and to what address they should be sent.

**SO ORDERED.**

**Date: October 29, 2020**  
**New York, New York**

  
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**VALERIE CAPRONI**  
**United States District Judge**